

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65556 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- BARHARA KOTHI District- Purnia

1. Md. Aafat @ Md. Safat Ali son of Md. Lallo Village- Mudballa Ps- Barhara Dist- Purnea
2. Isran Khatoon D/o- Md. Mustakin Village- Mudballa Ps- Barhara Dist- Purnea
3. Liliya Khatoon @ Rabina Khatoon D/o- Md. Sabbir Village- Mudballa Ps- Barhara Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Barhara P. S. Case No. 155 of 2023 dated 08.04.2023, instituted for the offence punishable under Sections 147,149,341, 323,436,379,504,506 and 509 of the Indian Penal Code.

3. The prosecution case in short is that accused persons, including the petitioners along with five other persons in furtherance of their common intention, having armed with rod, *dabia*, *kachiya* etc. arrived at the house of informant and abused her. They torn her cloths, on account of which she



becomes naked. They also looted goods, cash and jewellery etc. It is also alleged that co- accused Md. Mashraj set the house of the informant on fire.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. It is further submitted that there is no specific allegation against the petitioners rather the allegation against the petitioners are general and omnibus. It is next submitted that the occurrence is said to have taken place on 05-04-2023, but the FIR is instituted on 08-04-2023. There is delay of three days in lodging the FIR without any valid explanation. Referring to the injury report of informant, which is annexed as Annexure-2 to the bail petition, it is submitted that the doctor examined the informant and found her injury to be simple in nature, caused by hard and blunt substance. It is next highlighted that Section 436 of the IPC is not made out against the petitioners because specifically co-accused Md. Mashraj set the house of the informant on fire. The petitioners have no criminal antecedent, as per statement made in para 3 of the bail petition.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the



case and submissions of learned counsel for the parties, in the event of arrest / surrender before the learned Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM, Purnea, in connection with Barhara PS Case No. 155 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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